

DIRECTIVE

WORKFORCE INVESTMENT ACT

Number: WIAD05-6

Date: October 6, 2005
69:43:jw:9366

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: NOTIFICATION REQUIREMENT RELATING TO LACK OF ONE-STOP
MOUs

EXECUTIVE SUMMARY:

Purpose:

This directive outlines the notification requirements specified in the Workforce Investment Act (WIA) and in the related federal regulations in the event that a Local Workforce Investment Board (LWIB) and a required One-Stop partner are unable to negotiate a fully executed Memorandum of Understanding (MOU). This directive also outlines the sanctions to be imposed when such an impasse occurs.

Scope:

This directive applies to all LWIBs and required One-Stop partners.

Effective Date:

This directive is effective on its date of issuance.

REFERENCES:

- WIA Sections 121(a)(1) and (c)
- Title 20 Code of Federal Regulations (CFR) Part 662.200
- Title 20 CFR Part 662.230(c)
- Title 20 CFR Part 662.270
- Title 20 CFR Part 662.300
- Title 20 CFR Part 662.310(b) and (c)

STATE-IMPOSED REQUIREMENTS:

This directive contains State-imposed requirements. These requirements are indicated in ***bold, italic*** type. In the event that differences of interpretation are found between the provisions of this directive and the related provisions of WIA and the WIA regulations, the provisions of WIA and the WIA regulations will be controlling.

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FILING INSTRUCTIONS:

This directive finalizes WIA Draft Directive WIADD-100, issued for comment on July 22, 2005. Retain this directive until further notice.

BACKGROUND:

The WIA requires LWIBs and One-Stop partners to establish MOUs regarding the operation of the One-Stop system. These MOUs must contain four elements: (1) a description of the functions/services to be performed for One-Stop clients, (2) an explanation of how the costs of these functions/services and One-Stop operations will be funded, (3) a description of the methods to be used for referring clients among the partners, and (4) the duration of the MOU and procedures for amending it.

The WIA regulations specify actions that the LWIBs and One-Stop partners must take if they are unable to establish an MOU that contains all four elements.

Specifically, Title 20 CFR Part 662.310(b) provides that LWIBs, local chief elected officials and partners may request assistance from the State agency that is responsible for administering the non-signing partner program, from the Governor, from the California Workforce Investment Board (CWIB), and from other appropriate parties.

Title 20 CFR Part 662.310(b) also provides that if good faith negotiations fail to result in agreement regarding all the provisions of a One-Stop MOU, the LWIB and the affected partner must document the negotiations and efforts that have taken place and must each report the inability to reach agreement to the Governor or CWIB, and to the State agency(ies) that is/are responsible for administering the program(s) of the partner(s) with whom agreement could not be reached.

Title 20 CFR Part 662.310(c) provides that if an impasse has not been resolved and a partner remains without a completed MOU, that partner “may not be permitted to serve on the Local Board” and the LWIB is ineligible for State incentive grants awarded on the basis of local coordination of activities under Title 20 CFR Part 665.200(d)(2).

Recent federal reviews of WIA in California have determined that notification requirements regarding these failures to secure signoff of MOUs by required One-Stop partners have not been met. This directive highlights this notification deficiency and seeks to ensure that it is rectified.

POLICY AND PROCEDURES:

In the event that a LWIB has concluded that there is negotiation impasse, it shall inform the affected required One-Stop partner(s) that the provisions of Section 662.310(b) of the federal WIA regulations must be implemented by the LWIB and the affected partner(s).

The LWIB shall inform the required One-Stop partner(s) of the documentation and notification requirements of Section 662.310(b).

Notification to the State agency(ies) that is/are responsible for administering the program(s) of the partner(s) with whom agreement could not be reached, shall be accomplished by addressing letters to the respective State agencies at the addresses indicated in the attached table.

Notification shall specify:

- ***The organizations involved in the impasse.***
- ***The person(s) who should be contacted in respect to the impasse.***
- ***The efforts to date to negotiate the MOU.***
- ***The points of disagreement that cannot be resolved locally.***
- ***Identification that notification is being provided pursuant to Section 662.310(b) of Title 20 of the United States Code of Federal Regulations.***
- ***Notice that a copy of the notification is being provided to:***
 - Brian McMahon, Executive Director***
 - California Workforce Investment Board***
 - 777 12th Street, Suite 200***
 - Sacramento, CA 95814***
- ***Notice that a copy of the notification is being provided to:***
 - Bob Hermsmeier, Chief***
 - Workforce Investment Division, MIC 69***
 - P.O. Box 826880***
 - Sacramento, CA 94280-0001***
- ***Notice that a copy of the notification is being provided to the assigned Workforce Investment Division Regional Advisor.***

ACTION:

Bring this directive to the attention of all appropriate staff and all required One-Stop partners.

INQUIRIES:

If you have any questions, please contact your [Regional Advisor](#) at (916) 653-6347.

/S/ BOB HERMSMEIER
Chief
Workforce Investment Division

Attachment

State Entity to Which Notification Must be Sent in the Event of an Impasse Over Memoranda of Understanding with the Local Workforce Investment Board, as Required by the Workforce Investment Act (WIA) Regulations at Sections 662.200(b) and 662.310(b)

Program at Impasse:	Send Notification to:
Programs authorized under Title I of the WIA	<i>Mr. Patrick Henning, Director Employment Development Department P.O. Box 826880 (MIC 83) Sacramento, CA 94280-0001</i>
Programs authorized under the Wagner-Peyser Act (Job Service)	<i>Mr. Patrick Henning, Director Employment Development Department P.O. Box 826880 (MIC 83) Sacramento, CA 94280-0001</i>
Adult Education and Literacy Activities Authorized under Title II of the WIA	<i>Mr. Patrick Ainsworth, Director Secondary, Postsecondary, and Adult Leadership Division Department of Education 1430 N Street, Room 4503 Sacramento, CA 95814</i>
Programs authorized under Parts A and B of Title I or the U.S. Rehabilitation Act	<i>Ms. Lana Fraser, Assistant Deputy Director Collaborative Services/Workforce Development Section Department of Rehabilitation 2000 Evergreen Street Sacramento, CA 95814-3832</i>
Welfare-to-Work Programs	<i>Not applicable. The Welfare-to-Work Program ceased operations on September 30, 2004.</i>
Senior Community Service Employment Program	<i>Ms. Johnna Meyer Department of Aging 1600 K Street Sacramento, CA 95814</i>
Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act	<i>Mr. Patrick Ainsworth, Director Secondary, Postsecondary, and Adult Leadership Division Department of Education 1430 N Street, Room 4503 Sacramento, CA 95814</i>

Program at Impasse:	Send Notification to:
Trade Adjustment Assistance and NAFTA Transitional Adjustment Assistance Activities	<i>Mr. Patrick Henning, Director Employment Development Department P.O. Box 826880 (MIC 83) Sacramento, CA 94280-0001</i>
Local Veterans' Employment Representatives and Disabled Veterans Outreach Programs	<i>Mr. Patrick Henning, Director Employment Development Department P.O. Box 826880 (MIC 83) Sacramento, CA 94280-0001</i>
Employment and Training activities carried out under the Community Services Block Grant Program	<i>Mr. Timothy Dayonot, Director Department of Community Services and Development P.O. Box 1947 Sacramento, CA 95814</i>
Employment and Training activities carried out by the U.S. Department of Housing and Urban Development	<i>Ms. Lisa Vergolini, Section Chief Department of Housing and Community Development 1800 3rd Street, Room 330 Sacramento, CA 95814</i>
Programs authorized under State unemployment compensation laws (in accordance with applicable federal law)	<i>Mr. Patrick Henning, Director Employment Development Department P.O. Box 826880 (MIC 83) Sacramento, CA 94280-0001</i>